

REMARKS

Status of the Claims

Claims 5-9 are pending in this application. No claims have been canceled or added. Claim 5 has been amended to recite the specific antibodies for which hybridomas have been deposited. No new matter has been added by the above amendments. Applicants respectfully request entry of the above amendments to the claims and specification as the amendments place the claims in condition for allowance and would require no new search or consideration by the Examiner.

Rejection under 35 USC 112, first paragraph

The Examiner rejects claims 5-9 as not enabled because the specification does not recite that the hybridomas for producing the recited antibodies have been deposited. Applicants amend the specification to recite that hybridomas, which secrete the two kinds of anti-human medullasin monoclonal antibodies designated as 3F03 and 2E04, have been deposited on January 30, 2004 under the Budapest Treaty at the International Patent Organism Depository, National Institute of Advanced Industrial Science and Technology in Japan.

Applicants also submit a Declaration attesting to the permanence and accessibility of the deposit. Upon allowance of

the application, the deposit will be available to the public without restriction.

Applicants also amend the claims to specifically recite the 3F03 and 2E04 anti-human medullasin monoclonal antibodies. As such, this rejection should be withdrawn and the claims should be allowed.

Conclusion

As Applicants have addressed and overcome the rejections in the Office Action, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

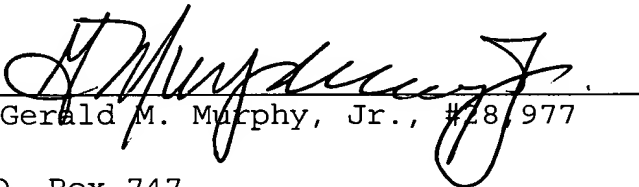
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Appl. No. 09/384,379

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Gerald M. Murphy, Jr., #28,977


GMM/KJR/jao
2167-0110P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment: Corroborative Declaration of Deposit